

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL No. 1285 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
10/06/2005 in WP No. 9590 OF 2005 on the file of the High Court.)

Between:

1. Bharat Sanchar Nigam Ltd. Rep by its Chief General Manager,
Telecom, A.P.Circle, Hyderabad.
2. The Executive Engineer (E) M/s.Bharat Sanchar Nigam Ltd,
Electrical Division (E), 19-6-18, D. R.Mahal Road, Tirupathi
Chittoor district.

..... APPELLANTS

AND

- 1.The Asst.Provident Fund Commisioner / Officer- in- Charge
Employees Provident Fund Organisation Sub- Regional Office , 1/30, R.S.Road,
Cuddapah.
- 2.The Regional Provident Fund Commissioner,
Barkathpura, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants: Mr. RAVINDRA YANAMANDRA

Counsel for the Respondents: Mr. R.N.REDDY

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

The appellants filed the writ petition challenging the order passed under Section 7(A) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short “the Act”) before the learned Single Judge, which was considered by the Single Judge. By the said order, the liability towards contribution had been fixed at Rs.1,54,626/-. This determination was challenged by way of a writ petition on various grounds including the ground that since the appellant-Corporation was a Government Corporation, therefore, it was not required to contribute in terms of Section 16(b) of the Act. These are matters, which can be considered by the appellate authority as well.

The learned counsel for the appellants submits that the employees for whom the contribution was ordered to be made are not employees of the Corporation, but are employees on contract basis engaged by the contractor. These questions are questions of fact, which can be appreciated by the appellate authority and cannot be appreciated by this Court in its writ jurisdiction.

The learned counsel relies on a judgment of this Court passed by a learned Single Judge in W.P.No.17548 of 2004, and, according to him, it has been affirmed by a Division Bench of this Court in Writ Appeal No.1805 of 2004. We do not find from either judgment any law having been laid down by the Court, which could be followed by this Court. Every order passed by the High Court is not binding on Benches. It is only the law laid down by the Court, which binds the subsequent Benches. For these reasons, we do not find any merit in this Appeal, which is dismissed.

Since the appellant-company is a large company with Government trappings, therefore, it is not appreciated that in this way they would go on defeating the rights of poor workers. Therefore, costs throughout.

BILAL NAZKI, ACJ.

18.7.2005 _____

G.CHANDRAIAH, J.

VR.

MEMORANDUM OF COSTS

W.P. costs WA costs

Rs. Rs.

Stamp for Vakalatnama 5-00 5-00

Advocate’s Fee(not certified) --- ----

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To be paid by the Rs.10-00

appellants to the respondents

Deputy Registrar.

To

- 1.The Asst.Provident Fund Commisioner / Officer- in- Charge
Employees Provident Fund Organisation Sub- Regional Office, 1/30, R.S.Road,
Cuddapah.
- 2.The Regional Provident Fund Commissioner,
Barkathpura, Hyderabad.
3. Two CD copies.